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## 1076-AF18 (Comments on Proposed Rule for Federal Recognition Process)

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Stephen Silliman <Stephen.Silliman@umb.edu>  
To: "consultation@bia.gov" <consultation@bia.gov>

Fri, Jul 11, 2014 at 4:15 PM

Dear Mr. Washburn, Ms. Appel, and other involved parties:

I am writing with comments on Proposed Rule 25 CFR 83.05, published in the Federal Register on 05-29-14. I want to applaud you and your staff for the progressive updating of the federal recognition process since it has revealed its major flaws over the last fifteen years. You have done much to develop a proposed rule that increases efficiency and makes the process more transparent. However, the proposed rule still contains a very problematic condition that deserves your reconsideration – the one that requires a previously denied tribal nation who wants to re-petition to secure permission from the third parties who opposed them in a previous attempt.

This condition fundamentally compromises the federal recognition process and what it purports to represent. Federal recognition should be about determining the legitimacy of Native American claims to their rightful standing with respect to the federal government. If a petitioner meets the federal acknowledgment criteria, then it should not matter what “third parties” have to say about it. If a tribal nation needs to re-petition because they were denied under previous rules, or interpretations of those rules, that have now been determined to be faulty, then “third parties” should not have an opportunity to block that re-petition. Why should a state governor, or attorney general, or group of town citizens have the ability to stop a legitimate federal process of recognition? This is not fairness at all, but rather giving “third parties” the upper hand to gate-keep the process and to protect their own interests. Besides, the proposed rules for reconfiguring the federal recognition process should not be about fairness to all parties, as claimed in Mr. Washburn’s *Indian Country Today* interview, but rather fairness to Native American tribal communities. Isn’t that what this process is supposed to be about? Why does it matter that “third parties” have expended tens or hundreds of thousands of dollars to block a previous attempt? Having that kind of resistance to our nation’s first people and their rights is disconcerting, to say the least. However, they chose to expend that money – a bit of “gambling” on their part, I would argue – to derail tribal communities hoping to be recognized for who they are and to have some access to opportunities previously denied to them. What about the money expended by the tribal communities seeking recognition the first time, in what you know very well to be an exorbitantly expensive undertaking? They are the ones likely struggling to pay back that expense, not the politicians who battled them at the outset.

As a professional archaeologist who has worked collaboratively for more than a decade with the Eastern Pequot Tribal Nation – recovering tens of thousands of historical objects that attest profoundly to their community persistence from the 1600s to today – and as a citizen who wants justice properly served for our nation’s Indigenous people, I urge you and your staff to reconsider the third-party-approval condition of the

proposed new ruling. Keeping it as is sends a contradictory message to your stated aims, and it undermines what are otherwise appropriate fixes to the procedure for tribes seeking federal recognition.

Thank you for your consideration.

Sincerely,

Stephen Silliman

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